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Attorney for Plaintiffs MIRSAD HAJRO and JAMES R. MAYOCK

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIRSAD HAJRO, JAMES R. MAYOCK

Plaintiffs,

v.

UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES,
T. DIANE CEJKA, Director
USCIS National Records Center,
ROSEMARY MELVILLE,
USCIS District Director of San Francisco,
MICHAEL CHERTOFF, Secretary
Department of Homeland Security,
MICHAEL B. MUKASEY, Attorney General
Department of Justice

Defendants

No. C 08-1350 RMW

**Notice of Motion and
Plaintiffs' Motion to
Compel Production of a
Vaughn Index**

Date: August 15, 2007
Time: 10:30 a.m.

Honorable Ronald M. Whyte

NOTICE OF MOTION

PLEASE TAKE NOTICE that on August 15, 2008, before the Honorable
Ronald M. Whyte, United States District Court Judge, 280 South First Street,
San Jose, California, Courtroom 6, 4th Floor, at 10:30 a.m., or as soon
thereafter as this matter may be heard, the Plaintiffs, by and through their

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undersigned counsel, will bring the following Motion to Compel the Production of a *Vaughn* Index. This motion is based on the Notice of Motion, Motion, all pleadings, papers and files in this action, such oral and documentary evidence as may be presented at the hearing on the motion, and any other evidence that this Court may consider.

MOTION TO COMPEL PRODUCTION OF A VAUGHN INDEX

Plaintiffs move this Court for an order requiring Defendants to provide within 30 days, an itemized, indexed inventory of every agency record or portion thereof responsive to Plaintiffs' request which Defendants assert to be exempt from disclosure, accompanied by a detailed justification statement covering each refusal to release records or portions thereof in accordance with the indexing requirements of *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974).¹

Dated: July 14, 2008

_____/s/_____
Kip Evan Steinberg
Attorney for Plaintiffs

¹Plaintiffs do not insist on a *Vaughn* Index of all claimed exempted material under the following conditions: If the Defendants determine that only some pages of the withheld material contain evidence of Plaintiff Hajro's alleged "false testimony", Plaintiffs will accept a *Vaughn* index of these pages as long as Defendants confirm that no other evidence of the claimed "false testimony" exists. Plaintiffs will also accept a written confirmation from Defendants that no such evidence exists in any of the withheld material in lieu of a *Vaughn* Index.

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